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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,356	10/30/2001	Mark D. Seaman	10008303 - 1	4970

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02/09/2006

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EXAMINER

HUYNH, BA

ART UNIT PAPER NUMBER

2179

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,356

Applicant(s)

SEAMAN ET AL.

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawal of Final Rejection

1. Applicant's arguments, see the Appeal Brief, filed 11/23/05, with respect to the rejection(s) of claim(s) 1-48 under 35 USC 103(a) as being obvious over US Pub 2003/0052897 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 6,833,848 (Wolff) in view of US Pub 2002/0167538 (Bhetanabhotla). This action is made non-final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-48 rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 6,833,848 (Wolff) in view of US patent application publication 2002/0167538 (Bhetanabhotla).

- As for claims 1, 13, 14, 18, 28, 35, 38, 42, 45: Wolff teaches a computer implemented method and corresponding apparatus usable in a general purpose computer system 700 for composing a multimedia presentation from a plurality of media elements, the plurality of media elements including audio media elements and image elements (3:38-40), the image elements including at least one still image (7:20-23), comprising the steps/means, program

logic configured to compose a slide show (12:5-10, i.e., “the initial presentation”).

Although Wolff teach that the media elements are arranged in chronological order based on time stamps (4:54-57, 5:8-10), Wolff is silent regarding the *automatic* arranging the media elements based on time stamps. However, in the same field of slide presentation of digital album, Bhetanabhotla teaches the automatic arranging media elements of a slide presentation based in part on the time stamps of the media elements (0018, 0034-0036, 0152). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Bhetanabhotla’s teaching of automatic arranging the media elements based on the time stamps to Wolff’s temporal ordered media elements. Motivation of the combining is for avoiding the time consuming manual arrangement. The control setting for specifying the duration of the slides is inherently included in Wolff’s teaching of slide show. Even if it is not, implementation of means for setting the duration of the slides in a slide show is well known in the art and is disclosed by Bhetanabhotla (0155. See also Lin’s 0051-0053). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Bhetanabhotla’s teaching of the means for specifying the duration of the slides to Wolff. Motivation of the combining is for user control of the slide presentation. As image elements are chronologically ordered, associated audio elements are also placed in the same order (Wolff’s 3:38-43).

- As for claims 2, 15, 19: An initial presentation is displayed (Wolff’s figs 1, 2).
- As for claims 3, 5, 7, 16, 20, 40, 47: Wolff’s figs 1, 2 disclose the displaying of image tracks and sound tracks showing the order of media elements. The composing of the slide presentation including reordering the images (Wolff’s 5:8-67).

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- As for claims 4, 6, 17, 21: Wolff's figs 1, 2 disclose the displaying of a sound line showing the order of expression of sound elements for editing is well known as disclosed by Wolff (see also 3:22-32, 59-65; 6:1-7).
- As for claims 8, 23: In light of the combining, a presentation based in part on the duration time of at least one still image (Bhetanabhotla's 0155).
- As for claim 9: The presentation is edited in part by the user (Wolff's 4:43 – 5:34).
- As for claims 10, 11, 25, 26: Graphic and text elements can be added to the presentation (Wolff's 6:1-2).
- As for claims 12, 27: The control setting can be reset by the user (Bhetanabhotla 0155).
- As for claims 22, 24: The editing including reordering the images (Wolff's 5:8-67).
- As for claim 29: In light of the combining, media elements are automatically placed in chronological order.
- As for claims 30, 31, 39, 46: As image elements are chronologically ordered, associated audio elements are also placed in the same order (Wolff's 3:38-43).
- As for claim 32: The initial presentation can be edit by the user (Wolff's 4:49 – 6:28).
- As for claim 33: An image line is displayed in coordination with display of the presentation (Wolff's figs 1-2).
- As for claim 34: An audio line is displayed in coordination with display of the presentation (Wolff's 3:22-32, 59-65; 6:1-7, figs 1-2).

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- As for claims 36, 43: The control settings are user-selected control settings (Bhetanabhotla's 0155).
- As for claims 37, 44: The control settings include a duration that still images are to be displayed (Bhetanabhotla 's 0155).
- As for claims 41, 48: It is inherently in Wolf that image editing includes editing the initial presentation to create a final presentation (see also Wolf's description of track 115).

Response to Arguments

4. Applicant's arguments with respect to claims 1-48 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
2/4/06

BA HUYNH
PRIMARY EXAMINER



WEILUN LO
SUPERVISORY PATENT EXAMINER